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**JUL 15 2004**  
**OFFICE OF PETITIONS**

In re Application of :  
David Balaban :  
Application No. 09/697,877 : **ON PETITION**  
Filed: October 26, 2000 :  
Attorney Docket No. 3330.2 :

This is a decision on the petition filed on February 27, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

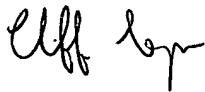
The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed February 14, 2003. This Office action set a shortened statutory period for reply of three (3) months. No proper response having been received, the above-identified application became abandoned on May 15, 2003. A Notice of Abandonment was mailed on September 30, 2003.

On petition, petitioner paid the petition fee and made the proper statement of unintentional delay. In addition, petitioner submitted both an Amendment and a Notice of Appeal. The examiner has determined that the Amendment failed to *prima facie* place the application in condition for allowance. Accordingly, the Notice of Appeal will be entered.

**Please be advised that the two month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.**

The application file is being returned to Group Art Unit 1637 to await for applicant's submission of the appeal brief in triplicate.

Telephone inquiries specific to this decision should be directed to the undersigned at (703)305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions